

II. On 3 September 1995, while serving as a Police officer in the territory of the District Police Headquarters in Augustów, while accepting, as material evidence for preliminary proceedings, from a STAR truck, registration number SWL 7916, of a cargo of detained and secured cigarettes originating from smuggling, acting jointly and in co-operation with other identified persons, he took, for the purpose of appropriation, at least 1,000 cartons, containing 10 packets each, of "Golden American", "Marlboro", "HB" and other cigarettes, with a value of at least PLN 28,000, and then he helped with their transportation from the territory of the District Police Headquarters in Augustów and their resale to Jan Haraburda for the amount of approximately PLN 20,000, paid in German marks and in Polish zloty, thus acting to the detriment of the State Treasury,

the above is classified as an offence in Article 278 paragraph 1 of the Penal Code.

Rectangular stamp reading:  
HEAD  
OF THE INVESTIGATION DIVISION  
OF THE CIRCUIT PROSECUTOR'S OFFICE IN SUWAŁKI  
Józef Murawko  
/-/ signature illegible

[Stamp:]  
Certified to be a true copy  
of the original  
by

[Stamp:]  
Prosecutor of the Circuit Prosecutor's Office  
in Suwałki  
[signature illegible]  
Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1".]

I, the undersigned, Katarzyna Pawlak, a Sworn Translator of English in Warsaw, entered in the list of Sworn Translators, kept by the Minister of Justice, entry no. TP/4657/05, hereby certify that the attached translation is a true and correct translation of the document submitted to me in Polish.

Warsaw, date: 14 April 2010

Register No. 283/2010

Fee of PLN 90.21 collected for 3 standard pages according to the binding regulations.

  
Katarzyna Pawlak, M.A.  
Sworn Translator  


Katarzyna Pawlak, M.A., Sworn Translator of English  
02-592 Warsaw, Flat 23, 54/56 Puławska Street  
tel./fax (22) 646-03-41, mobile 0-604-415-617

**CERTIFIED TRANSLATION FROM POLISH**

Case ref. no. II Kp 112/04

**DECISION**

**on application of temporary detention in preliminary proceedings**

Date: 12 March 2004

**The District Court in Suwałki - Second Penal Division**

**Presiding Judge - Trainee Judge of the District Court Tomasz Kisiel**

**Minute-taker - Anna Makarska**

with participation of Prosecutor Józef Murawko

during a hearing held on 12 March 2004,

at a motion of the Prosecutor of the Circuit Prosecutor's Office in Suwałki of 8 March 2004,

in case ref. no. Ds. 37/96

for application of temporary detention against:

**WIESŁAW JAN KOZŁOWSKI**

suspected of the following:

on 27 July 1995, while serving as a Police officer in the territory of the District Police Headquarters in Augustów, while accepting, as material evidence for preliminary proceedings, from a STAR truck, registration number TYC 3541, of a cargo of detained and secured cigarettes originating from smuggling, acting jointly and in co-operation with other identified persons, acting for the purpose of gaining financial benefits, he took, for the purpose of appropriation, at least 1,000 cartons, containing 10 packets each, of "Golden American", "HB" and other cigarettes, with a value of at least PLN 28,000, and then he helped with their transportation from the territory of the District Police Headquarters in Augustów and their resale to Jan Haraburda for the amount of PLN 10,000, thus acting to the detriment of the State Treasury,

**the above is classified as an offence in Article 278 paragraph 1 of the Penal Code.**

II. on 3 September 1995, while serving as a Police officer in the territory of the District Police Headquarters in Augustów, while accepting, as material evidence for preliminary proceedings, from a STAR truck, registration number SWL 7916, of a cargo of detained and secured cigarettes originating from smuggling,

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of the original  
by

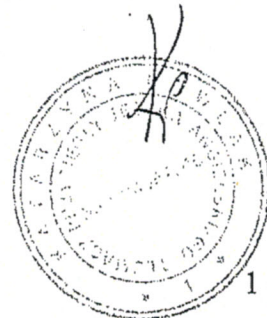
[Stamp:]

Prosecutor of the Circuit Prosecutor's Office  
in Suwałki

[signature illegible]

Cezary T. Grabala

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"Circuit Prosecutor's Office in Suwałki, 1".]





acting jointly and in co-operation with other identified persons, acting for the purpose of gaining financial benefits, he took, for the purpose of appropriation, at least 1,000 cartons, containing 10 packets each, of "Golden American", "Marlboro", "HB" and other cigarettes, with a value of at least PLN 28,000, and then he helped with their transportation from the territory of the District Police Headquarters in Augustów and their resale to Jan Haraburda for the amount of approximately PLN 20,000, paid in German marks and in Polish zloty, thus acting to the detriment of the State Treasury,

the above is classified as an offence in Article 278 paragraph 1 of the Penal Code,

acting pursuant to Article 249 of the Penal Proceedings Code, Article 258 paragraph 1 point 1 of the Penal Proceedings Code, Article 263 paragraph 1 of the Penal Proceedings Code,

hereby decides

to apply against **WIESŁAW JAN KOZŁOWSKI**, son of Frydrych and Halina, born on 9 November 1966 in Rajgród, a preventive measure in the form of temporary detention for a period of 14 days from the date of seizure.

### JUSTIFICATION

Wiesław Jan Kozłowski is suspected of commitment of the offence classified in Article 278 paragraph 1 of the Penal Code. The evidence material gathered in the matter, in particular in the form of witness testimonies and evidential documentation, rendered it highly probable that he committed the offences he was charged with.

The suspect does not report at the summons of the Prosecutor's Office. According to the information obtained by the Police, the said person does not reside at the place of his permanent residence and he left the territory of Poland and has been residing abroad for some time. Therefore, in the opinion of the Court, the aforementioned person renders it impossible to end the proceedings.

In these circumstances, a justified concern arises that the suspect is hiding from prosecuting authorities.

It should be noted that the Provincial Prosecutor in Suwałki, by means of its decision of 5 March 1996, in case ref. no. Ds. 77/96, applied against the aforementioned person temporary detention for a period of 7 days from the time of seizure, but, by means of a decision

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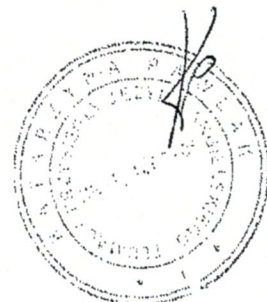
Certified to be a true copy  
of the original  
by

[Stamp:]

Prosecutor of the Circuit Prosecutor's Office  
in Suwałki

[signature illegible]  
Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1".]



of 26 August 2003, the submitted charges were amended.

Taking the foregoing into account - in order to secure proper conduct of the proceedings in a matter - it was justified to adjudicate as first above written.

Trainee Judge of the District Court  
/-/ Tomasz Kisiel

### Instruction

The suspect may lodge a complaint against this decision to the Circuit Court in Suwałki within a final deadline of 7 days from the date of delivery of a certified copy of the decision. The lodging of a complaint after this deadline shall be ineffective (Article 122 and 460 of the Penal Proceedings Code).

The complaint shall be lodged through the Court which issued the decision. The suspect may lodge, at any time, a motion for revocation or change of a preventive measure to the Prosecutor's Office at whose disposal he remains (Article 254 of the Penal Proceedings Code).

Confirmation of receipt of a certified copy of the decision  
I have received a certified copy of the decision on temporary detention, including an instruction, and I have been notified of the wording of passed orders and the instruction on

\_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_ date and signature of the suspect

Rectangular stamp reading:

THIS DECISION  
IS ENFORCEABLE

Round seal with the Polish State Emblem and the inscription:  
DISTRICT COURT \* IN SUWAŁKI\*

Rectangular stamp reading:  
Certified to be a true copy of the original.

Inspector  
Anna Makarska  
/-/ signature illegible

[Stamp:]

Certified to be a true copy  
of the original  
by

[Stamp:]

Prosecutor of the Circuit Prosecutor's Office  
in Suwałki

[signature illegible]  
Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1".]

I, the undersigned, Katarzyna Pawlak, a Sworn Translator of English in Warsaw, entered in the list of Sworn Translators, kept by the Minister of Justice, entry no. TP/4657/05, hereby certify that the attached translation is a true and correct translation of the document submitted to me in Polish.

Warsaw, date: 14 April 2010

Register No. 284/2010

Fee of PLN 180.42 collected for 6 standard pages according to the binding regulations.

  
Katarzyna Pawlak, M.A.  
Sworn Translator  




Katarzyna Pawlak, M.A., Sworn Translator of English  
02-592 Warsaw, Flat 23, 54/56 Puławska Street  
tel./fax (22) 646-03-41, mobile 0-604-415-617

## CERTIFIED TRANSLATION FROM POLISH

Rectangular stamp reading:  
Circuit Prosecutor's Office  
26 General K. Pułaski Street  
16-400 Suwałki  
Telephone: 087 567-75-71

Case ref. no. Ds. 37/96

### DECISION

on searching for the suspect by means of a wanted letter

Date: 23 March 2004

Józef Murawko - Prosecutor at the Circuit Prosecutor's Office in Suwałki,  
in a matter against WIESŁAW JAN KOZŁOWSKI,  
suspected of the commitment of the offence classified in Article 278 paragraph 1 of the Penal Code and 278  
paragraph 1 of the Penal Code,  
- acting pursuant to Article 279 paragraph 1 of the Penal Proceedings Code,

### hereby decides:

to order a search by means of a wanted letter for hiding suspect WIESŁAW JAN KOZŁOWSKI, against whom,  
on 12 March 2004, a decision was issued on temporary detention.

### JUSTIFICATION

Wiesław Jan Kozłowski is suspected of the commitment of the offence classified in Article 278  
paragraph 1 of the Penal Code, 278 paragraph 1 of the Penal Code. In the course of the preliminary proceedings  
conducted against him, it was found that he does not reside at the place of his residence, that he probably went  
abroad and is hiding from prosecuting authorities.

Taking the foregoing into account, it is justified to circulate a wanted letter concerning the suspect.

Stamp reading:

**HEAD**  
**OF THE INVESTIGATION DEPARTMENT**  
**OF THE CIRCUIT PROSECUTOR'S OFFICE IN SUWAŁKI**  
**JÓZEF MURAWKO**  
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Round seal with the Polish State Emblem and the inscription:  
Circuit Prosecutor's Office in Suwałki

Order:

Prepare a wanted letter and send it to the Local Police Headquarters in Augustów

[Stamp:]

Certified to be a true copy  
of the original by

[Stamp:]

Prosecutor of the Circuit Prosecutor's Office in Suwałki

[signature illegible]

Cezary T. Grabala

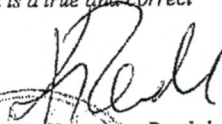
[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1"]

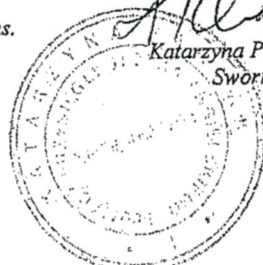
I, the undersigned, Katarzyna Pawlak, a Sworn Translator of English in Warsaw, entered in the list of Sworn Translators,  
kept by the Minister of Justice, entry no. TP/4657/05, hereby certify that the attached translation is a true and correct  
translation of the document submitted to me in Polish.

Warsaw, date: 14 April 2010

Register No. 285/2010

Fee of PLN 60.14 collected for 2 standard pages according to the binding regulations.

  
Katarzyna Pawlak, M.A.  
Sworn Translator



**CERTIFIED TRANSLATION FROM POLISH**

Rectangular stamp reading:  
**Circuit Prosecutor's Office**  
**26 General K. Pułaski Street**  
**16-400 Suwałki**  
**Telephone: 087 567-75-71**

Case ref. no. Ds. 37/96

Suwałki, 23 March 2004

**LOCAL POLICE HEADQUARTERS**  
**IN AUGUSTÓW**

**WANTED LETTER**

The Circuit Prosecutor in Suwałki, acting pursuant to a decision of 23 March 2004, issued pursuant to Article 279 paragraph 1 of the Penal Proceedings Code, in case ref. no. Ds. 37/96

- I. Orders a search by means of the wanted letter of the following suspect:
  1. Surname and first and middle names: KOZŁOWSKI WIESŁAW JAN
  2. Pseudonyms – no data
  3. Father's first name – Frydrych
  - Mother's first and maiden names – Halina née Szejter
  4. Date and place of birth – 9 November 1966 in Rajgród
  5. Last place of residence – Augustów, 28/23 Śródmieście Street
  6. Last place of work - District Police Headquarters in Augustów
  7. Address of parents or family – Augustów, 28/23 Śródmieście Street
  8. Occupation – agricultural technician
  9. Description - no data
  10. Brief description of the offence the wanted person is charged with and legal qualification:  
Article 278 paragraph 1 of the Penal Code, 278 paragraph 1 of the Penal Code.
  11. Date and ref. no. of the decision on temporary detention: 12 March 2004, II Kp 112/04
  12. The wanted letter shall be circulated by means of:

[Stamp:]

Certified to be a true copy  
of the original by

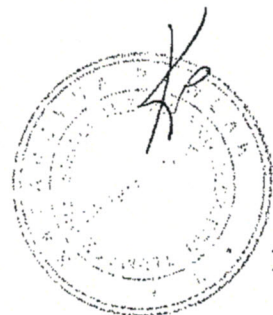
[Stamp:]

Prosecutor of the Circuit Prosecutor's Office in Suwałki

[signature illegible]

Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1".]





All persons who know the place of residence of the wanted person are summoned to notify the nearest police station or prosecutor thereof (Article 280 paragraph 1 point 4 of the Penal Proceedings Code).

All are warned that a penalty of up to 5 years of imprisonment shall be imposed upon any person who hides the wanted person or helps him to escape (Article 239 paragraph 1 of the Penal Code). An award of PLN \_\_\_\_\_ shall be granted in exchange for seizure or contribution to the seizure of the wanted person.

A guarantee is given that the identity of the informant shall be kept confidential (Article 280 paragraph 2 of the Penal Proceedings Code).

Attachments:

1. A certified copy of the decision on temporary detention
2. An order to be accepted by the nearest detention centre

Round seal with the Polish State Emblem and the inscription:  
**Circuit Prosecutor's Office in Suwałki**

Stamp reading:

**HEAD**

**OF THE INVESTIGATION DEPARTMENT  
OF THE CIRCUIT PROSECUTOR'S OFFICE IN SUWAŁKI**

**JÓZEF MURAWKO**

/-/ signature illegible

23 March 2004

[Stamp:]

Certified to be a true copy  
of the original by

[Stamp:]

Prosecutor of the Circuit Prosecutor's Office in Suwałki

[signature illegible]

Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, I".]

I, the undersigned, Katarzyna Pawlak, a Sworn Translator of English in Warsaw, entered in the list of Sworn Translators, kept by the Minister of Justice, entry no. TP/4657/05, hereby certify that the attached translation is a true and correct translation of the document submitted to me in Polish.

Warsaw, date: 14 April 2010

Register No. 286/2010

Fee of PLN 90.21 collected for 3 standard pages according to the binding regulations.

  
Katarzyna Pawlak, M.A.  
Sworn Translator  


**CERTIFIED TRANSLATION FROM POLISH**

[A photograph.]

**KOZŁOWSKI WIESŁAW JAN**  
son of Frydrych and Halina née Szejter,  
born on 9 November 1966  
personal identification number PESEL: 66110907772

Scanned photograph

Suspected of commitment of the offence classified in Article 278 paragraph 1 of the Penal Code.

[Stamp:]

Certified to be a true copy  
of the original  
by

[Stamp:]

Prosecutor of the Circuit Prosecutor's Office in Suwałki  
[signature illegible]  
Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1".]

I, the undersigned, Katarzyna Pawlak, a Sworn Translator of English in Warsaw, entered in the list of Sworn Translators, kept by the Minister of Justice, entry no. TP/4657/05, hereby certify that the attached translation is a true and correct translation of the document submitted to me in Polish.  
Warsaw, date: 14 April 2010  
Register No. 287/2010  
Fee of PLN 30.07 collected for 1 standard page according to the binding regulations.





**CERTIFIED TRANSLATION FROM POLISH**

**EXTRACT FROM THE PENAL CODE**

**LAW  
of 6 June 1997  
The Penal Code  
(Journal of Laws of 2 August 1997)**

**Article 101. Paragraph 1.** Punishability for a crime ceases to exist if the following number of years lapses from the time of commitment of such crime:

- 1) 30 – if the act is the crime of murder;
- 2) 20 – if the act is another crime;
- 2a) 15 – if the act is an offence the penalty for which is imprisonment for more than 5 years;
- 3) 10 – if the act is an offence the penalty for which is imprisonment for more than 3 years;
- 4) 5 – if the act is another offence.

**Paragraph 2.** Punishability for a crime prosecuted under a private suit shall cease after the lapse of one year from the time that the victim discovers the identity of the perpetrator, not later however than after the lapse of 3 years from the time of commitment of the same.

**Paragraph 3.** In the cases provided for in paragraphs 1 and 2, if the commitment of a crime entails the occurrence of a consequence specified in the Act, the period of limitation shall commence on the date of occurrence of such consequence.

**Article 102.** If during the periods provided for in Article 101, proceedings are instituted against a person, punishability for the crime such person committed, as specified in paragraph 1 points 1-3, shall cease after the lapse of 10 years, and in the other cases - after the lapse of 5 years from the end of the said period.

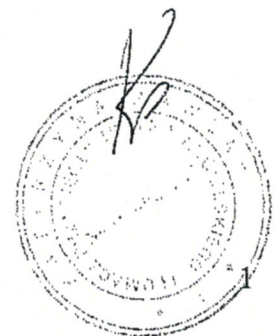
**Article 103. Paragraph 1.** The penalty may not be enforced if the following number of years lapsed from the date on which the judgement became valid and final.:

- 1) 30 – in the event of a penalty of imprisonment exceeding 5 years or more;
- 2) 15 – in the event of a penalty of imprisonment not exceeding 5 years;
- 3) 10 – in the event of another penalty.

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Certified to be a true copy  
of the original  
by

[Stamp:]  
Prosecutor of the Circuit Prosecutor's Office in Suwałki  
[signature illegible]  
Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1".]





Paragraph 2. The provision of paragraph 1 point 3 shall apply, respectively, to penal measures listed in Article 39 points 1-4 and 6 and 7; the provision of paragraph 1 point 2 shall apply, respectively, to penal measures listed in Article 39 point 5.

**Article 104. Paragraph 1.** The period of limitation shall not take course if the provisions of the Act do not allow to institute or continue penal proceedings; this shall not however apply to no motion or private prosecution.

**Paragraph 2.** The period of limitation with regard to the offences specified in Article 144, Article 145 paragraph 2 or 3, Article 338 paragraph 1 or 2 and Article 339 shall take course from the time of fulfilment of the obligation or from the date on which the obligation ceases to apply to the perpetrator.

**Article 105. Paragraph 1.** The provisions of Articles 101-103 shall not apply to crimes against peace, humanity and war crimes.

**Paragraph 2.** The provisions of Articles 101-103 shall also not apply to intentionally-committed crimes of: murder, grievous bodily harm, serious harm to health or deprivation of liberty with particular torment committed by a public officer in connection with the fulfilment of his/her public duties.

**Article 278 Paragraph 1.** Any person who takes, for the purpose of appropriation, any moveable property of another, shall be liable to a penalty of imprisonment for a period of 3 months to 5 years.

[Stamp:]

Certified to be a true copy  
of the original  
by

[Stamp:]

Prosecutor of the Circuit Prosecutor's Office in Suwałki

[signature illegible]

Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:

"Circuit Prosecutor's Office in Suwałki, 1".]

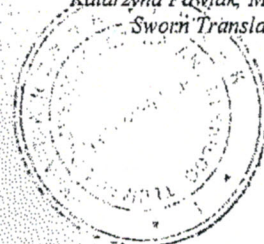
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Warsaw, date: 14 April 2010

Register No. 288/2010

Fee of PLN 120.28 collected for 4 standard pages according to the binding regulations.

Katarzyna Pawlak, M.A.  
Sworn Translator





Nr. 2105/812010  
Ministerstwo Spraw Zagranicznych  
poświadcza własnoręczność podpisu

*Katarzyna Paulk*  
tłumacz przysięgły

*J. awalskiego*  
org. autentyczność i poświadcz. tłumacza.  
Opłate skarbowe pobrano.



*Krzysztof Augustyniak*  
St. radca

Nie podlega opłacie skarbowej  
(Ustawa z 16.11.2006 r. o opłacie skarbowej  
Dz. U. Nr 225, poz. 1635, art. 2 ust. 1, pkt 1)

